

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1573, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.90-2008,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2009]: Sec. 37.1. (a) This section applies to a rulemaking
- 6 action resulting in any of the following rules:
- 7 (1) An order adopted by the commissioner of the Indiana
- 8 department of transportation under IC 9-20-1-3(d) or
- 9 IC 9-21-4-7(a) and designated by the commissioner as an
- 10 emergency rule.
- 11 (2) An action taken by the director of the department of natural
- 12 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 13 (3) An emergency temporary standard adopted by the
- 14 occupational safety standards commission under
- 15 IC 22-8-1.1-16.1.
- 16 (4) An emergency rule adopted by the solid waste management
- 17 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 18 (5) A rule, other than a rule described in subdivision (6), adopted
- 19 by the department of financial institutions under IC 24-4.5-6-107
- 20 and declared necessary to meet an emergency.

- 1 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
2 department of financial institutions and declared necessary to
3 meet an emergency under IC 24-4.5-6-107.
- 4 (7) A rule adopted by the Indiana utility regulatory commission to
5 address an emergency under IC 8-1-2-113.
- 6 (8) An emergency rule adopted by the state lottery commission
7 under IC 4-30-3-9.
- 8 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
9 executive board of the state department of health declares is
10 necessary to meet an emergency.
- 11 (10) An emergency rule adopted by the Indiana finance authority
12 under IC 8-21-12.
- 13 (11) An emergency rule adopted by the insurance commissioner
14 under IC 27-1-23-7.
- 15 (12) An emergency rule adopted by the Indiana horse racing
16 commission under IC 4-31-3-9.
- 17 (13) An emergency rule adopted by the air pollution control
18 board, the solid waste management board, or the water pollution
19 control board under IC 13-15-4-10(4) or to comply with a
20 deadline required by or other date provided by federal law,
21 provided:
- 22 (A) the variance procedures are included in the rules; and
23 (B) permits or licenses granted during the period the
24 emergency rule is in effect are reviewed after the emergency
25 rule expires.
- 26 (14) An emergency rule adopted by the Indiana election
27 commission under IC 3-6-4.1-14.
- 28 (15) An emergency rule adopted by the department of natural
29 resources under IC 14-10-2-5.
- 30 (16) An emergency rule adopted by the Indiana gaming
31 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
32 IC 4-33-4-14, or IC 4-35-4-2.
- 33 (17) An emergency rule adopted by the alcohol and tobacco
34 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
35 IC 7.1-3-20-24.4.
- 36 (18) An emergency rule adopted by the department of financial
37 institutions under IC 28-15-11.
- 38 (19) An emergency rule adopted by the office of the secretary of

- 1 family and social services under IC 12-8-1-12.
- 2 (20) An emergency rule adopted by the office of the children's
- 3 health insurance program under IC 12-17.6-2-11.
- 4 (21) An emergency rule adopted by the office of Medicaid policy
- 5 and planning under IC 12-15-41-15.
- 6 (22) An emergency rule adopted by the Indiana state board of
- 7 animal health under IC 15-17-10-9.
- 8 (23) An emergency rule adopted by the board of directors of the
- 9 Indiana education savings authority under IC 21-9-4-7.
- 10 (24) An emergency rule adopted by the Indiana board of tax
- 11 review under IC 6-1.1-4-34 (repealed).
- 12 (25) An emergency rule adopted by the department of local
- 13 government finance under IC 6-1.1-4-33 (repealed).
- 14 (26) An emergency rule adopted by the boiler and pressure vessel
- 15 rules board under IC 22-13-2-8(c).
- 16 (27) An emergency rule adopted by the Indiana board of tax
- 17 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
- 18 adopted by the department of local government finance under
- 19 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 20 (28) An emergency rule adopted by the board of the Indiana
- 21 economic development corporation under IC 5-28-5-8.
- 22 (29) A rule adopted by the department of financial institutions
- 23 under IC 34-55-10-2.5.
- 24 (30) A rule adopted by the Indiana finance authority:
- 25 (A) under IC 8-15.5-7 approving user fees (as defined in
- 26 IC 8-15.5-2-10) provided for in a public-private agreement
- 27 under IC 8-15.5;
- 28 (B) under IC 8-15-2-17.2(a)(10):
- 29 (i) establishing enforcement procedures; and
- 30 (ii) making assessments for failure to pay required tolls;
- 31 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 32 establishing procedures for the implementation of the
- 33 collection of user fees by electronic or other nonmanual
- 34 means; or
- 35 (D) to make other changes to existing rules related to a toll
- 36 road project to accommodate the provisions of a public-private
- 37 agreement under IC 8-15.5.
- 38 (31) An emergency rule adopted by the board of the Indiana

health informatics corporation under IC 5-31-5-8.

(32) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting

another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule."

Page 2, line 13, after "employee's" insert ":",

Page 2, line 13, after "national" begin a new line block indented and insert:

"(1) national criminal history; or

(2) until July 1, 2010,".

Page 2, line 25, after "history." insert **"This subsection expires June 30, 2010."**

Page 2, line 30, delete "of".

Page 2, line 31, delete "prior to" and insert **"before"**.

1 Page 2, line 34, after "history." insert "**This subsection expires**
2 **June 30, 2010.**".

3 Page 2, line 39, after "(1) a" insert ":

4 (A) **national criminal history under subsection (a)(1); or**
5 **(B)**".

6 Page 2, line 39, after "subsection" delete "(a);" and insert "**(a)(2)**
7 **until June 30, 2010;**".

8 Page 2, line 41, after "by" insert ":

9 (A) **subsection (a)(1); or**
10 **(B)**".

11 Page 2, line 42, delete "." and insert "**until June 30, 2010.**".

12 Page 4, line 19, delete "." and insert "**or other disaster by no fault**
13 **of the provider.**".

14 Page 4, between lines 35 and 36, begin a new paragraph and insert:

15 "SECTION 8. IC 20-28-12-3, AS AMENDED BY P.L.2-2007,
16 SECTION 219, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2009]: Sec. 3. An individual who applies for an
18 endorsement as an independent practice school psychologist must meet
19 the following requirements:

20 (1) Be licensed as a school psychologist by the department.

21 (2) Be employed by a:

22 (A) developmental center;

23 (B) state hospital;

24 (C) public or private hospital;

25 (D) mental health center;

26 (E) rehabilitation center;

27 (F) private school; or

28 (G) public school;

29 at least thirty (30) hours per week during the contract period

30 unless the individual is retired from full-time or part-time

31 employment as a school psychologist or the individual has a

32 medical condition or physical disability that restricts the mobility

33 required for employment in a school setting.

34 (3) Furnish satisfactory evidence to the department that the

35 applicant has received at least a sixty (60) **graduate** semester

36 hour **or ninety (90) quarter hour** master's or specialist degree in

37 school psychology from:

38 (A) a recognized postsecondary educational institution; or

- 1 (B) an educational institution not located in the United States
 2 that has a program of study that meets the standards of the
 3 department.
- 4 (4) Furnish satisfactory evidence to the department that the
 5 applicant has demonstrated graduate level competency through
 6 the successful completion of course work and a ~~practicum in the~~
 7 ~~areas of assessment and counseling;~~ **one thousand two hundred**
 8 **(1,200) hour supervised internship of school psychology, of**
 9 **which at least six hundred (600) hours must be in a school**
 10 **setting.**
- 11 (5) Furnish satisfactory evidence to the department that the
 12 applicant has **successfully completed** at least one thousand two
 13 hundred (1,200) hours of school psychology experience ~~beyond~~
 14 ~~the master's degree level;~~ **after completion of graduate degree**
 15 **requirements and not including the supervised internship for**
 16 **degree or licensing requirements.** At least six hundred (600)
 17 hours must be in a school setting under the supervision of any of
 18 the following:
- 19 (A) A physician licensed under IC 25-22.5.
 20 (B) A psychologist licensed under IC 25-33.
 21 (C) A school psychologist endorsed under this chapter **or**
 22 **currently holding a national certification from the National**
 23 **Association of School Psychologists.**
- 24 (6) Furnish satisfactory evidence to the department that the
 25 applicant has completed, in addition to the requirements in
 26 subdivision (5), at least: ~~four hundred (400)~~
- 27 (A) **twelve (12) hours of supervised experience training**
 28 **provided by a health service professional in psychology**
 29 **licensed under IC 25-33-1 or a psychiatrist licensed as a**
 30 **physician under IC 25-22.5 in the identification and referral**
 31 **of mental and behavioral disorders; including at least one (1)**
 32 **hour each week of direct personal supervision by a:**
- 33 (A) ~~physician licensed under IC 25-22.5;~~
 34 (B) ~~psychologist licensed under IC 25-33; or~~
 35 (C) ~~school psychologist endorsed under this chapter;~~
 36 ~~with at least ten (10) hours of direct personal supervision; and~~
 37 (B) **ten (10) case studies or evaluations requiring the**
 38 **identification or referral of mental or behavioral disorders.**

Case studies or evaluations may include the following:

(i) Consultations with teachers and parents.

(ii) Intervention services, excluding psychotherapy.

(iii) Functional behavior assessments.

(iv) Behavior improvement plans.

(v) Progress monitoring.

(7) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), ~~fifty-two (52)~~ **thirty (30)** hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter **or currently holding national certification from the National Association of School Psychologists** that meets the following requirements:

(A) The ~~fifty-two (52)~~ **thirty (30)** hours must be completed within at least twenty-four (24) consecutive months but not less than ~~twelve (12)~~ **six (6)** months.

(B) Not more than one (1) hour of supervision may be included in the total for each week.

~~(C) At least nine hundred (900) hours of direct client contact must take place during the total period under clause (A).~~

(8) Furnish satisfactory evidence to the department that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(9) Furnish satisfactory evidence to the department that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.

(10) Pass the examination provided by the department."

Page 5, line 31, delete "office," and insert "**office**".

Page 5, line 32, delete "done," and insert "**done**".

Page 11, delete lines 27 through 42.

Page 12, delete lines 1 through 8.

Page 18, delete lines 20 through 42.

Page 21, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 35. IC 25-20-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a)** Standards for

licensing shall be determined by the board. ~~who~~ **The board** may require **that an applicant pass an** examination by written and practical tests in order to demonstrate that the applicant is qualified to fit and dispense hearing aids. ~~provided that it not~~ **An examination required under this section may not** be conducted in such a manner that college training ~~be~~ **is** required in order to pass the examination.

(b) Nothing in this section shall imply that the applicant shall possess the degree of medical competence normally expected by physicians. ~~The examinations shall be given at three (3) month intervals.~~

(c) The committee shall propose rules to the board concerning the competent practice of hearing aid dealing.

(d) The board shall adopt rules, based on the committee's proposed rules, under IC 4-22-2 establishing standards for competent practice as a hearing aid dealer."

Page 22, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 38. IC 25-22.5-1-2, AS AMENDED BY P.L.90-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in

- 1 good faith believes to be an act of terrorism (as defined in
- 2 IC 35-41-1-26.5); and
- 3 (B) in accordance with the rules adopted by the Indiana
- 4 emergency medical services commission or the disaster
- 5 emergency declaration of the governor.
- 6 (4) Commissioned medical officers or medical service officers of
- 7 the armed forces of the United States, the United States Public
- 8 Health Service, and medical officers of the United States
- 9 Department of Veterans Affairs in the discharge of their official
- 10 duties in Indiana.
- 11 (5) An individual who is not a licensee who resides in another
- 12 state or country and is authorized to practice medicine or
- 13 osteopathic medicine there, who is called in for consultation by an
- 14 individual licensed to practice medicine or osteopathic medicine
- 15 in Indiana.
- 16 (6) A person administering a domestic or family remedy to a
- 17 member of the person's family.
- 18 (7) A member of a church practicing the religious tenets of the
- 19 church if the member does not make a medical diagnosis,
- 20 prescribe or administer drugs or medicines, perform surgical or
- 21 physical operations, or assume the title of or profess to be a
- 22 physician.
- 23 (8) A school corporation and a school employee who acts under
- 24 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 25 (9) A chiropractor practicing the chiropractor's profession under
- 26 IC 25-10 or to an employee of a chiropractor acting under the
- 27 direction and supervision of the chiropractor under IC 25-10-1-13.
- 28 (10) A dental hygienist practicing the dental hygienist's profession
- 29 under IC 25-13.
- 30 (11) A dentist practicing the dentist's profession under IC 25-14.
- 31 (12) A hearing aid dealer practicing the hearing aid dealer's
- 32 profession under IC 25-20.
- 33 (13) A nurse practicing the nurse's profession under IC 25-23.
- 34 However, a **certified** registered nurse **anesthetist (as defined in**
- 35 **IC 25-23-1-1.4)** may administer anesthesia if the **certified**
- 36 registered nurse **anesthetist** acts under the direction of and in the
- 37 immediate presence of a physician. ~~and holds a certificate of~~
- 38 ~~completion of a course in anesthesia approved by the American~~

- 1 ~~Association of Nurse Anesthetists or a course approved by the~~
2 ~~board:~~
- 3 (14) An optometrist practicing the optometrist's profession under
4 IC 25-24.
- 5 (15) A pharmacist practicing the pharmacist's profession under
6 IC 25-26.
- 7 (16) A physical therapist practicing the physical therapist's
8 profession under IC 25-27.
- 9 (17) A podiatrist practicing the podiatrist's profession under
10 IC 25-29.
- 11 (18) A psychologist practicing the psychologist's profession under
12 IC 25-33.
- 13 (19) A speech-language pathologist or audiologist practicing the
14 pathologist's or audiologist's profession under IC 25-35.6.
- 15 (20) An employee of a physician or group of physicians who
16 performs an act, a duty, or a function that is customarily within
17 the specific area of practice of the employing physician or group
18 of physicians, if the act, duty, or function is performed under the
19 direction and supervision of the employing physician or a
20 physician of the employing group within whose area of practice
21 the act, duty, or function falls. An employee may not make a
22 diagnosis or prescribe a treatment and must report the results of
23 an examination of a patient conducted by the employee to the
24 employing physician or the physician of the employing group
25 under whose supervision the employee is working. An employee
26 may not administer medication without the specific order of the
27 employing physician or a physician of the employing group.
28 Unless an employee is licensed or registered to independently
29 practice in a profession described in subdivisions (9) through
30 (18), nothing in this subsection grants the employee independent
31 practitioner status or the authority to perform patient services in
32 an independent practice in a profession.
- 33 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 34 (22) A health care organization whose members, shareholders, or
35 partners are individuals, partnerships, corporations, facilities, or
36 institutions licensed or legally authorized by this state to provide
37 health care or professional services as:
- 38 (A) a physician;

- 1 (B) a psychiatric hospital;
- 2 (C) a hospital;
- 3 (D) a health maintenance organization or limited service
- 4 health maintenance organization;
- 5 (E) a health facility;
- 6 (F) a dentist;
- 7 (G) a registered or licensed practical nurse;
- 8 (H) a midwife;
- 9 (I) an optometrist;
- 10 (J) a podiatrist;
- 11 (K) a chiropractor;
- 12 (L) a physical therapist; or
- 13 (M) a psychologist.
- 14 (23) A physician assistant practicing the physician assistant
- 15 profession under IC 25-27.5.
- 16 (24) A physician providing medical treatment under
- 17 IC 25-22.5-1-2.1.
- 18 (25) An attendant who provides attendant care services (as
- 19 defined in IC 16-18-2-28.5).
- 20 (26) A personal services attendant providing authorized attendant
- 21 care services under IC 12-10-17.1.
- 22 (b) A person described in subsection (a)(9) through (a)(18) is not
- 23 excluded from the application of this article if:
- 24 (1) the person performs an act that an Indiana statute does not
- 25 authorize the person to perform; and
- 26 (2) the act qualifies in whole or in part as the practice of medicine
- 27 or osteopathic medicine.
- 28 (c) An employment or other contractual relationship between an
- 29 entity described in subsection (a)(21) through (a)(22) and a licensed
- 30 physician does not constitute the unlawful practice of medicine under
- 31 this article if the entity does not direct or control independent medical
- 32 acts, decisions, or judgment of the licensed physician. However, if the
- 33 direction or control is done by the entity under IC 34-30-15 (or
- 34 IC 34-4-12.6 before its repeal), the entity is excluded from the
- 35 application of this article as it relates to the unlawful practice of
- 36 medicine or osteopathic medicine.
- 37 (d) This subsection does not apply to a prescription or drug order for
- 38 a legend drug that is filled or refilled in a pharmacy owned or operated

1 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 2 who permits or authorizes a person to fill or refill a prescription or drug
 3 order for a legend drug except as authorized in IC 16-42-19-11 through
 4 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 5 person who violates this subsection commits the unlawful practice of
 6 medicine under this chapter.

7 (e) A person described in subsection (a)(8) shall not be authorized
 8 to dispense contraceptives or birth control devices.

9 SECTION 39. IC 25-22.5-5-4.6 IS ADDED TO THE INDIANA
 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 4.6. (a) The board may**
 12 **authorize the agency to issue temporary fellowship permits for the**
 13 **practice of medicine. A temporary fellowship permit is subject to**
 14 **any termination date specified by the board.**

15 (b) The board may issue a temporary fellowship permit to a
 16 graduate of a school located outside the United States, its
 17 possessions, or Canada if the graduate:

- 18 (1) applies in the form and manner required by the board;
- 19 (2) pays a fee set by the board;
- 20 (3) has completed the academic requirements for the degree
 21 of doctor of medicine from a medical school approved by the
 22 board;
- 23 (4) has been issued a valid permit by another state for
 24 participation in a postgraduate medical education or training
 25 program located in a state that has standards for
 26 postgraduate medical education and training satisfactory to
 27 the board;
- 28 (5) has been accepted into a postgraduate medical fellowship
 29 training program that:
 - 30 (A) is affiliated with a medical school located in a state that
 31 issued a permit under subdivision (4);
 - 32 (B) has a training site located in Indiana; and
 - 33 (C) has standards for postgraduate medical education and
 34 training satisfactory to the board;
- 35 (6) provides the board with documentation of the areas of
 36 medical practice for which the training is sought;
- 37 (7) provides the board with at least two (2) letters of reference
 38 documenting the individual's character; and

1 (8) demonstrates to the board that the individual is a
2 physician of good character who is in good standing outside
3 the United States, its possessions, or Canada where the person
4 normally would practice.

5 (c) Applications for a temporary fellowship permit for
6 graduates of foreign medical schools must be made to the board
7 subject to this section.

8 (d) A permit issued under this section expires one (1) year after
9 the date it is issued and, at the discretion of the board, may be
10 renewed for additional one (1) year periods upon the payment of
11 a renewal fee set by the board by rule.

12 (e) An individual who applies for a temporary fellowship permit
13 under this section is not required to take any step of the United
14 States Medical Licensure Examination.

15 (f) A temporary fellowship permit must be kept in the
16 possession of the fellowship training institution and surrendered by
17 the institution to the board within thirty (30) days after the person
18 ceases training in Indiana.

19 (g) A temporary fellowship permit authorizes a person to
20 practice in the training institution only and, in the course of
21 training, to practice only those medical acts approved by the board
22 but does not authorize the person to practice medicine otherwise.

23 (h) The board may deny an application for a temporary
24 fellowship permit if the training program that has accepted the
25 applicant has:

26 (1) violated; or

27 (2) authorized or permitted a physician to violate;
28 this section.

29 (i) A person issued a temporary fellowship permit under this
30 section must file an affidavit that:

31 (1) is signed by a physician licensed in Indiana;

32 (2) includes the license number of the signing physician;

33 (3) attests that the physician will monitor the work of the
34 physician holding the temporary fellowship permit; and

35 (4) is notarized.

36 The affidavit must be filed with the agency before the person
37 holding the temporary fellowship permit may provide medical
38 services.

SECTION 37. IC 25-23-1-1.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.4. As used in this chapter, "certified registered nurse anesthetist" means a registered nurse who:

(1) is a graduate of a nurse anesthesia educational program accredited by the ~~American Association of Nurse Anesthetists~~ (referred to as the "AANA" in this chapter) Council on Accreditation of Nurse Anesthesia Educational Programs or its predecessor;

(2) is properly certified by successfully completing the certification examination administered by the ~~AANA's~~ Council on Certification of Nurse Anesthetists or its predecessor; and

(3) is properly certified and in compliance with criteria for biennial recertification, as defined by the ~~AANA~~ Council on Recertification of Nurse Anesthetists."

Page 23, delete lines 1 through 25.

Page 23, line 39, delete "degree;" and insert "**degree in nursing;**".

Page 23, line 40, delete "nursing;" and insert "**nursing in the previous six (6) years;**".

Page 23, after line 42, begin a new paragraph and insert:

"SECTION 40. IC 25-23-1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. **(a) A certified registered nurse anesthetist may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.**

(b) Nothing in this chapter shall be construed as requiring a certified registered nurse anesthetist to obtain prescriptive authority to administer anesthesia under ~~IC 25-22.5-1-2(12)~~. **subsection (a).**

SECTION 41. IC 25-23.6-5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) The applicant for a license as a clinical social worker must have at least ~~three (3)~~ **years of clinical social work experience**; two (2) years of the clinical social work experience ~~must take place~~ after receiving ~~the~~ **a** graduate degree in social work **and** under the supervision of a ~~licensed clinical social worker or an equivalent~~ **qualified** supervisor as determined by the board.

(b) ~~If the applicant's graduate program did not emphasize direct clinical patient care or client health care services, the supervised~~

clinical social work experience requirement must take place after the applicant has completed at least fifteen (15) semester hours or twenty-two (22) quarter hours of the required coursework. **If an individual is obtaining the clinical social work experience described in subsection (a) in Indiana, the individual must be licensed as a social worker under section 1 of this chapter.**

(c) A doctoral internship may be applied toward the supervised clinical social work experience requirement.

(d) Except as provided in subsection (e), the clinical social work experience requirement may be met by work performed at or away from the premises of the ~~supervising clinical social worker~~. **qualified supervisor.**

(e) The clinical social work requirement may not be performed away from the ~~supervising clinical social worker's~~ **qualified supervisor's** premises if:

(1) the work is the independent private practice of clinical social work; and

(2) the work is not performed at a place with the supervision of a ~~licensed clinical social worker or an equivalent~~ **qualified supervisor available. as determined by the board."**

Page 26, delete lines 26 through 42.

Page 27, delete lines 1 through 39.

Page 31, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 51. IC 25-27.5-5-2, AS AMENDED BY P.L.90-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform, under the supervision of the supervising physician, the duties and responsibilities that are delegated by the supervising physician and that are within the supervising physician's scope of practice, including prescribing and dispensing drugs and medical devices. A patient may elect to be seen, examined, and treated by the supervising physician.

(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the supervising physician or physician designee.

(c) If a physician assistant notifies the supervising physician that the physician should examine a patient, the supervising physician shall:

1 (1) schedule an examination of the patient in a timely manner
2 unless the patient declines; or

3 (2) arrange for another physician to examine the patient.

4 (d) If a patient is subsequently examined by the supervising
5 physician or another physician because of circumstances described in
6 subsection (b) or (c), the visit must be considered as part of the same
7 encounter except for in the instance of a medically appropriate referral.

8 (e) A supervising physician or physician assistant who does not
9 comply with subsections (b) through (d) is subject to discipline ~~by the~~
10 ~~medical licensing board~~ under IC 25-1-9.

11 (f) A physician assistant's supervisory agreement with a supervising
12 physician must:

13 (1) be in writing;

14 (2) include all the tasks delegated to the physician assistant by the
15 supervising physician;

16 (3) set forth the supervisory plans for the physician assistant,
17 including the emergency procedures that the physician assistant
18 must follow; and

19 (4) specify the name of the drug or drug classification being
20 delegated to the physician assistant and the protocol the physician
21 assistant shall follow in prescribing a drug.

22 (g) The physician shall submit the supervisory agreement to the
23 board for approval. The physician assistant may not prescribe a drug
24 under the supervisory agreement until the board approves the
25 supervisory agreement. Any amendment to the supervisory agreement
26 must be resubmitted to the board for approval, and the physician
27 assistant may not operate under any new prescriptive authority under
28 the amended supervisory agreement until the agreement has been
29 approved by the board.

30 (h) A physician or a physician assistant who violates the supervisory
31 agreement described in this section may be disciplined under
32 IC 25-1-9."

33 Page 34, between lines 27 and 28, begin a new paragraph and insert:

34 "SECTION 55. IC 25-38.1-3-1, AS ADDED BY P.L.58-2008,
35 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2009]: Sec. 1. (a) A person may not practice veterinary
37 medicine in Indiana unless the person:

38 (1) is licensed as a veterinarian in Indiana; or

- 1 (2) holds a special permit issued by the board.
- 2 (b) The following persons are exempt from the licensing or special
- 3 permit requirements of this chapter:
 - 4 (1) A veterinarian on the faculty of the School of Veterinary
 - 5 Medicine at Purdue University performing regular duties, or a
 - 6 veterinarian employed by the animal disease diagnostic laboratory
 - 7 established by IC 21-46-3-1 performing regular duties.
 - 8 (2) A veterinary medical officer serving in the United States
 - 9 armed forces or veterinarian employed by a federal, state, or local
 - 10 government agency performing veterinary medical services that
 - 11 are within the scope of official duties and are performed during
 - 12 the period of the person's service.
 - 13 (3) An individual who is a regular student in an accredited college
 - 14 of veterinary medicine performing duties or actions assigned by
 - 15 the faculty of the School of Veterinary Medicine at Purdue
 - 16 University or working under the direct supervision of a licensed
 - 17 veterinarian.
 - 18 (4) An extern.
 - 19 (5) A veterinarian who is licensed and is a resident in another
 - 20 state or country and consults with a veterinarian licensed under
 - 21 this article.
 - 22 (6) An owner or a contract operator of an animal or a regular
 - 23 employee of the owner or a contract operator caring for and
 - 24 treating an animal, except where the ownership of the animal was
 - 25 transferred for purposes of circumventing this chapter.
 - 26 (7) A guest lecturing or giving instructions or demonstrations at
 - 27 the School of Veterinary Medicine at Purdue University, or
 - 28 elsewhere, in connection with a continuing education program.
 - 29 (8) An individual while engaged in bona fide scientific research
 - 30 that:
 - 31 (A) reasonably requires experimentation involving animals;
 - 32 and
 - 33 (B) is conducted in a facility or with a company that complies
 - 34 with federal regulations regarding animal welfare.
 - 35 (9) A graduate of a foreign college of veterinary medicine who is
 - 36 in the process of obtaining an ECFVG certificate and who is
 - 37 under the direct supervision of:
 - 38 (A) the faculty of the School of Veterinary Medicine at Purdue

- 1 University; **or**
 2 **(B) a veterinarian licensed under this article.**
 3 (10) A veterinarian who is enrolled in a postgraduate instructional
 4 program in an accredited college of veterinary medicine
 5 performing duties or actions assigned by the faculty of the School
 6 of Veterinary Medicine at Purdue University.
 7 (11) A member in good standing of another licensed or regulated
 8 profession within Indiana who:
 9 (A) provides assistance requested by a veterinarian licensed
 10 under this article;
 11 (B) acts with the consent of the client;
 12 (C) acts within a veterinarian-client-patient relationship; and
 13 (D) acts under the direct or indirect supervision of the licensed
 14 veterinarian."
 15 Page 35, line 22, after "IC 25-15-5-2;" insert "IC 25-22.5-5-4.5;".
 16 Page 36, between lines 3 and 4, begin a new paragraph and insert:
 17 "SECTION 55. [EFFECTIVE UPON PASSAGE] **Any action taken**
 18 **under IC 25-22.5-5-4.5 after June 30, 2008, but before the passage**
 19 **of this act is legalized and validated."**
 20 Renumber all SECTIONS consecutively.
 (Reference is to HB 1573 as reprinted February 17, 2009.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Miller

Chairperson